

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 416

Introduced by Assembly Member Strom-Martin

February 20, 2001

~~An act to amend Sections 8051.1, 8051.2, 8405.4, and 9001.6 of the~~
An act to amend Sections 8051.3 and 8051.4 of the Fish and Game
Code, relating to fish, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 416, as amended, Strom-Martin. Fish.

Existing law, until January 1, 2002, requires every person who is required to pay a landing tax for abalone to pay, in addition to that landing tax, an additional tax of 19½ cents for each pound, or fraction thereof, of abalone.

Existing law requires that the additional landing tax be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund, for specified purposes. Existing law establishes the Commercial Abalone Advisory Committee and provides for the composition and duties of the committee. These provisions will be repealed on January 1, 2003.

This bill would extend to January 1, 2007, the law requiring the additional landing tax. The bill would extend to January 1, 2008, the law governing the advisory committee. Because the bill would provide for a source of funding for the continuously appropriated Fish and Game Preservation Fund for an extended period of time, and would impose duties on the department the costs of which are payable from that fund, the bill would make an appropriation.

~~Under existing law, every person who is required to pay a landing tax for sea urchins is required to pay, in addition to those landing taxes, an additional landing tax of one cent for each pound of sea urchins. This provision is operative until March 1, 2001, and will repeal on January 1, 2002.~~

~~This bill would instead provide that this provision will become inoperative on March 1, 2007, and would change the date on which it will repeal to January 1, 2008.~~

~~Existing law provides that the sea urchin landing tax shall be deposited in the Fish and Game Preservation Fund for specified purposes. Existing law provides that the Commercial Sea Urchin Advisory Committee shall be continued in existence and renamed the Director's Sea Urchin Advisory Committee, and provides for the composition and duties of the committee. These provisions will repeal on January 1, 2002.~~

~~This bill would change the date on which those provisions will repeal to January 1, 2008.~~

~~Existing law provides that sea cucumbers may not be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit. Existing law requires a diver, when taking sea cucumbers by diving, to have a sea cucumber diving permit, and provides that when sea cucumbers are taken by means other than diving, at least one person aboard the boat shall have a sea cucumber trawl permit. Existing law sets forth further permitting provisions and other provisions relating to sea cucumbers. These provisions are operative until April 1, 2002, and will repeal on January 1, 2003.~~

~~This bill would change the date on which these provisions will become inoperative to April 1, 2007, and the date on which they will repeal to January 1, 2008.~~

~~Under existing law, a finfish trap permit is required in order to take finfish with traps for commercial purposes in certain parts of the ocean. Existing law provides that a finfish trap permit authorizes finfish to be taken with finfish traps only, subject to specified limitations, sets the fee for the permit at \$110, and limits the use of Korean traps and bucket traps, as defined. These latter provisions are operative until April 1, 2002, and will repeal on January 1, 2003.~~

~~This bill would change the date on which these provisions will become inoperative to April 1, 2007, and the date on which they will repeal to January 1, 2008.~~

Vote: majority. Appropriation: ~~no~~—yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 8051.1 of the Fish and Game Code is~~

SECTION 1. Section 8051.3 of the Fish and Game Code is amended to read:

8051.3. (a) Any person who is required to pay a landing tax for abalone pursuant to Sections 8041 and 8042 shall pay, in addition to the landing taxes determined pursuant to Section 8051, an additional tax of nineteen and one-half cents (\$0.195) for each pound, or fraction thereof, of abalone, determined as provided in Section 8042.

(b) This section shall remain in effect only until January 1, ~~2002~~ 2007, and as of that date is repealed, unless a later enacted statute, ~~which~~ *that* is enacted before January 1, ~~2002~~ 2007, deletes or extends that date.

SEC. 2. Section 8051.4 of the Fish and Game Code is amended to read:

8051.4. (a) The landing tax collected pursuant to Section 8051.3 shall be deposited in the Fish and Game Preservation Fund and shall be used only for the Abalone Resources Restoration and Enhancement Program. The department shall maintain internal accounts necessary to ensure that the funds are disbursed for the purposes in this subdivision. No more of the landing tax collected pursuant to Section 8051.3 than an amount equal to the regularly approved department indirect overhead rate may be used for administration by the department. Any interest on the revenues from the landing tax collected pursuant to Section 8051.3 shall be deposited in the fund and used for the purposes in this subdivision.

(b) A ~~commercial~~ *Commercial* Abalone Advisory Committee shall be appointed by the director, consisting of six members who shall serve without compensation or reimbursement of expenses. One of the members shall be a person who was required to pay landing taxes pursuant to Section 8051.3 during the 1996–97 permit year. Each of the five remaining members shall have held a commercial abalone diving permit during the 1996–97 permit year, and represent the following groups and organizations:

1 (1) One member shall be selected from divers with a place of
2 residence north of Point Sur.

3 (2) One member shall be selected from divers with a place of
4 residence south of Point Dume.

5 (3) One member shall be selected from divers with a place of
6 residence south of Point Sur and north of Point Dume.

7 (4) Two members shall be selected from the membership of the
8 California Abalone Association without regard to place of
9 residence. This subdivision does not prohibit persons selected
10 pursuant to paragraph (1), (2), or (3) from also being members of
11 the California Abalone Association.

12 (c) The advisory committee shall make recommendations to
13 the director and the director shall use his or her best efforts to
14 implement those recommendations for activities to be conducted
15 with funds collected pursuant to Section 8051.3, and those funds
16 collected from any previous calendar year shall be available for
17 use for those activities.

18 (d) This section shall remain in effect only until January 1,
19 ~~2003~~ 2008, and as of that date is repealed, unless a later enacted
20 statute, ~~which~~ that is enacted before January 1, ~~2003~~ 2008, deletes
21 or extends that date.

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24 **All matter omitted in this version of the**
25 **bill appears in the bill as introduced in the**
26 **Assembly, February 20, 2001 (JR 11)**
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